

## **REMARKS**

Claims 4 and 9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse. The cited claim language at issue, when read in light of the Specification to the present Application, is sufficiently clear and definite enough to one skilled in the art to be able to understand the scope of Applicants' invention. Nevertheless, in the interests of expediting prosecution, Applicants have grammatically amended these two claims to attempt an alternative wording of the same features recited. Applicants submit that this clarification does not narrow the claims in any way, and that the subject matter of the claims remains unchanged. Reconsideration and withdrawal of the Section 112 rejection are therefore respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Henderson et al. Although not clearly designated in the outstanding Office Action, Applicants presume that the Examiner refers to U.S. Patent No. 5,726,979, March 10, 1998, to Henderson. Applicants therefore respectfully traverse this rejection because this cited reference fails to teach or suggest many of the recited features of the independent claims of the present invention, and particularly the specific parameters that are utilized by the simulator, method, and medium of the present invention.

Applicants initially wish to traverse the outstanding Office Action as failing to comply with 37 C.F.R. 1.104(c)(2). This section of the Code requires of the Examiner, when rejecting present claims over a prior art reference, to "designate as nearly as practicable" a

particular part(s) of the prior art reference relied upon for the specific features and limitations of the claims at issue. In the present case, however, the Examiner has not done so.

The Examiner essentially cites the entire Henderson patent against the present invention, without detailing any specific parts of the reference toward any individual features or limitations of the present invention. Applicants note for the record that the Examiner has cited all of the drawings, the Abstract, the entire Summary, and essentially the entire body of the Detailed Description of Henderson's patent against the present invention, and without any specific designations to particular parts of the patent itself. Accordingly, Applicants respectfully request that the Examiner vacate the outstanding Office Action, and cite with specificity to what portions of Henderson he feels particularly point to features or limitations of the present invention.

In the interests of expediting prosecution, though, Applicants have attempted to interpret the Examiner's cursory rejection as best as possible, and have amended the independent claims to better distinguish them from what Applicants assume the Examiner meant to point to in the Henderson reference. Specifically, Applicants have amended independent claims 1, 6, and 10 to clarify the types of parameters at issue in the present invention, and better distinguish them over the "parameters" the Examiner deems to be present in Henderson.

The Examiner appears to assert that the Q-metric cumulative quality metric of Henderson is somehow equivalent to the parameters of the present invention. Such is not the

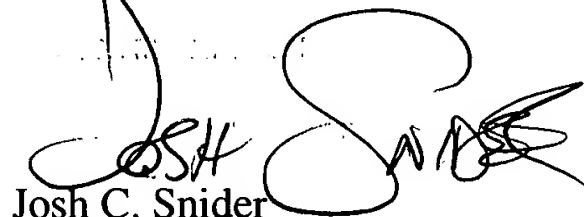
case. As now more clearly recited in the independent claims to the present invention the Q-metric in Henderson does not read upon any of the parameters already included, and now more clearly recited, in the present invention. Accordingly, Applicants submit that any specific citation to portions of the Henderson reference would still fail to read upon the present invention, and the rejection based on the Henderson reference should therefore be withdrawn at least in light of these additional amendments.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-10, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", is written over a horizontal line.

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